

REMARKS

Status of the Application

Claims 1-14 are pending. Claims 1-14 stand rejected.

Information Disclosure Statement

Applicant acknowledges with appreciation Examiner's statements regarding the proper disclosure of material prior art.

Claim Objections

Claim 14 has been amended as suggested by the Examiner.

Section 112 Rejections

Claims 3-9 and 12 have been objected to. In response, applicant has amended claims 3-7.

Claims 8 and 12 have been objected to. In response, applicant has amended claims 8 and 12.

Section 102 Rejections

Claims 1, 2 and 10 have been rejected under 35 U.S.C. Section 102 as being anticipated by Stauffer U.S. Patent No. 3,048,323. In response, applicant requests cancellation of claims 1 and 2. The dependency of claim 10 has been changed.

Claims 1, 2, 8 and 9 have been rejected under 35 U.S.C. Section 102 as being anticipated by Marsicano U.S. Patent No. 4,544,351. In response, applicant has requested cancellation of claims 1 and 2 (see above). In further response, the dependency of claims 8 and 9 has been changed.

Claims 1, 2 and 13 have been rejected under 35 U.S.C. Section 102 as being anticipated by Giannini U.S. Patent No. 4,019,672. In response, applicant has cancelled claims 1 and 2 (see above). In further response, the dependency of claim 13 has been changed.

Claims 1-4 and 10-13 have been rejected under 35 U.S.C. Section 102 as being anticipated by Tsunekawa Japanese Patent No. 7,318,003. Tsunekawa discloses a corrugated fiberboard packaging device for a washing machine comprising a bottom tray 16 having hollow tubular sides 18 formed by folding the edges of the bottom panel of the tray (Fig. 5) and a “center support” 17 disposed within the tray 16. The center support 17 consists of two cooperating members placed in abutting relationship as shown in Figure 6. The center support 17 defines a concave shaped area 23 to keep in place the bottom end part of the washing machine.

In response to the rejection under Section 102, applicant has requested cancellation of claims 1 and 2 and changed the dependency of claim 10 (see above).

With regard to claim 3, applicant has amended claim 3 so that it is distinguishable from Tsunekawa in at least the following four ways:

First, amended claim 3 requires that “the insert [is] formed from a single cut and folded blank” which Tsunekawa does not teach. (This limitation is supported in the specification at paragraphs 0012, 0028 and Fig. 3.) Tsunekawa’s center support 17, by contrast, consists of two cooperating members placed in abutting relationship as shown in Figure 6.

Second, amended claim 3 requires that each downwardly angled panel and corresponding attachment panel form an obtuse angle which Tsunekawa does not teach. (This limitation is supported in the specification at paragraphs 0026, 0028 and Figure 1.)

Third, amended claim 3 requires that each attachment panel is affixed to the bottom panel of the tray. (This limitation is supported in the specification at paragraph 0030.) Tsunekawa does not disclose this limitation.

Fourth, amended claim 3 requires that the first fold lines extend from the centrally

disposed opening, which Tsunekawa does not teach. Instead, Tsunekawa's fold lines extend from a top panel 21 (see Examiner's annotated Figures in the first Office Action).

Claims 4 and 10-13 all depend on claim 3 which applicant submits is now allowable.

Section 103 Rejections

The Examiner rejected claims 3-5 under 35 U.S.C. Section 103(a) as being unpatentable over Stauffer in view of Ford U.S. Patent No. 6,053,326. Applicant submits that amended claim 3 is allowable over Stauffer in view of Ford U.S. Patent No. 6,053,326 for at least the following three reasons.

First, amended claim 3 requires that the attachment panels are affixed to the bottom panel of the tray, which Stauffer does not teach. Instead, Stauffer's "attachment panels" 22 appear to form a friction fit with the sides of container 10 (Fig. 3). Even if, as the Examiner suggests, a person skilled in the art would have affixed the Stauffer attachment panels 22 to the tray as taught by the Ford wallet package reference, the Stauffer attachment panels would still be attached to the sides of the Stauffer container rather than the bottom panel as required by applicant's claim 3. Besides, modifying Stauffer so that the attachment panels 22 were affixed to the tray would render the Stauffer insert unsatisfactory for its intended purpose because it would be much more difficult to remove the light bulb from the container, since it would require tearing the container open.

Second, amended claim 3 requires that each attachment panel mate face-to-face with the bottom panel of the tray, which Stauffer does not teach. Stauffer's "attachment panels" 22 appear to mate face-to-face with the sides of the container 10.

Third, amended claim 3 requires that the first fold lines extend from the centrally

disposed opening, which neither Stauffer nor Ford teaches. Stauffer's fold lines 27 extend from slits 25 (see Stauffer Figure 4). Ford has no similar fold lines.

In further response to the rejection of claim 3, applicant notes the following additional differences between his invention as claimed and the Stauffer packaging insert: (1) Applicant's invention is directed to a washing machine base (see claim preamble) and thus must support considerable weight, whereas the Stauffer packaging insert is intended to support "fragile articles" such as light bulbs (Stauffer at col. 2, lines 28-32). (2) Applicant's tray is relatively shallow, whereas Stauffer's "tray" 10 is actually the entire container.

With regard to claims 4 and 5, since they are dependent on claim 3, it is suggested that they are allowable for at least the same reasons as claim 3.

The Examiner rejected claim 14 under 35 U.S.C. Section 103(a) as being unpatentable over Marsicano. Applicant respectfully disagrees for at least the following two reasons.

First, claim 14 requires that the insert be configured to receive and secure a suspended portion of the machine. Marsicano does not teach an insert that secures a suspended article.. Instead, Marsicano teaches an insert that secures a candle standing upright in a glass or other hollow article. The difference is significant. Applicant's invention is designed to solve the problem of securing and protecting the transmission portion of washing machines which typically is suspended below the washing machine tub (see paragraph 0003). Marsicano's invention is designed to solve the problem of providing support for an upright candle when a conventional candle holder is not available (abstract). Furthermore, the inventions are used in a substantially different manner. To use applicant's invention, the washing machine is placed on top of the base with the transmission extending within the opening defined by the insert. To use Marsicano's

invention, a candle is first inserted through the candle holder 10 and then the candle and holder are positioned within a glass (col. 2, lines 14-23). In short, applicant's invention is a true appliance base while Marsicano's invention is not. Because of these differences in the problem to be solved and the manner of use, a person of ordinary skill in the packaging arts would not have arrived at applicant's invention simply by reading the Marsicano reference.

Second, amended claim 14 requires "a blank that, when folded in accordion fashion, assumes a substantially pyramidal shape." Applicant's blank 14 (Fig 3) is specially designed so that it can be folded in accordion (pleated) fashion to assume a pyramidal shape. That is, applicant's blank 14 comprises radially oriented first fold lines 30 that enable the blank to be folded in accordion fashion to assume the pyramidal shape shown in applicant's Fig. 1.

Marsicano does not teach such a blank. Marsicano's blank 10 comprises a flat mid-portion 20 that prevents the blank from being folded in accordion fashion.

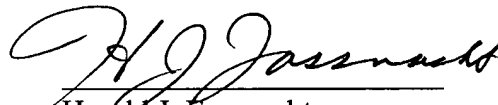
Allowable Subject Matter

Applicants note with appreciation Examiner's statement that claims 6 and 7 would be allowable if rewritten in independent form.

Summary

It is believed that this paper constitutes a complete response to the Office Action mailed Feb. 11, 2005, and an early and favorable action allowing claims 3-14 is respectfully requested. The Examiner is invited to telephone applicant's undersigned attorney if any unresolved matters remain.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "H J Fassnacht", written over a horizontal line.

Harold J. Fassnacht
Reg. No. 35,507

CLAUSEN MILLER, P.C.
10 S. LaSalle Street - Suite 1600
Chicago, Illinois 60603
Telephone: 312-606-7674

Dated:

5/11/05